IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

OP.No. 2943 of 2001(A)

PETITIONER:

N.S.KUNJOONJAMMA, (RETD) JOINT REGISTRAR,
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
RESIDING AT SAKTHI, 37/2586-A, COCHIN 25.

BY ADV. SRI.V.V.SURENDRAN

RESPONDENTS:
----

1. **THE VICE CHANCELLOR, COCHIN UNIVERSITY**
   OF SCIENCE AND TECHNOLOGY, COCHIN 22.

2. **THE COCHIN UNIVERSITY SCIENCE AND TECHNOLOGY,**
   REP.BY ITS REGISTRAR,
   UNIVERSITY QUARTERS, COCHIN 22.

3. **THE SECRETARY, LABOUR DEPARTMENT,**
   SECRETARIAT, THIRUVANANTHAPURAM.

4. **THE KERALA STATE ELECTRICITY BOARD,**
   REP.BY ITS SECRETARY,
   VYDHUTHI BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, COCHIN UTY.

THIS ORIGINAL PETITION HAVING COME UP FOR ADMISSION ON 05/07 /2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.47476/2001 IN OP. NO.2943/2001

CLOSED

05.07.2007 **SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

T.R.RAMACHANDRAN NAIR, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

O.P.No. 2943 of 2001 (A)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 5th day of July, 2007

J U D G M E N T

The substantial issue which arises in this original petition is regarding the claim of the petitioner for computation of pension by taking into consideration her previous employment in the Kerala State Electricity Board and the Labour Department under the Government of Kerala. According to the petitioner, she had eight and a half years of pensionary service together under the State Government and the Kerala State Electricity Board. From 03/10/1967 to 15/12/1970, she was working as a Lower Division Clerk in the Labour Department. Thereafter, she got selection in the Kerala State Electricity Board and joined there on 16/03/1971 as Junior Assistant. She was later promoted as Senior Assistant and continued as such till 28/09/1976. On 29/09/1976, she joined the Cochin University. The petitioner had been taking up her case before various authorities and, ultimately, the University, by Ext.P8, informed her that the Syndicate vide minutes Item No.417.16, dated 22/01/2000,

resolved to reckon the prior service put in by her in the K.S.E.B (5'/2 years) for pensionary benefits in the University, subject to remittance of pro-rata pension contribution and gratuity. It is also stated therein that the Syndicate decision to insist upon remittance of pro-rata pension contribution was taken after analysing the clarification received from the Chief Engineer, K.S.E.B, to the effect that “the pension and other expenses of the K.S.E.B employees are met from the Board's own funds and not from the Government of Kerala funds”.

2. The apparent question is whether the period claimed by the petitioner under the State Government is eligible to be counted along with the period of service in the K.S.E.Board. The stand taken by the University is that the service book of the petitioner does not evidence any period of service with the Labour Department. In the statement filed by the Government Pleader on behalf of the third respondent also it is stated that there are no records available with the Labour Department pertaining to the service rendered by the petitioner. It is also stated that the details of the posting order in respect of the petitioner are not

available and that, service book was not opened by her in the Labour Department. It is in these circumstances that the difficulty arose in reckoning the service claimed by the petitioner in the Labour Department for the purpose of granting the benefits claimed by her. In view of the circumstances pointed out above, the stand taken by the various authorities appears to be justified.

3. Then as regards the service rendered with the K.S.E.Board, the Standing Counsel for the K.S.E.Board has filed a statement wherein also they have taken a stand that the K.S.E.Board has no liability to remit the pro-rata pension in regard to the petitioner and that they are not entertaining the requests of persons who had deserted Board's service to remit pro-rata pension contribution. In view of the definite stand taken by the K.S.E.Board also no direction can be issued to compel them to remit the amount.

4. Therefore, for enabling the petitioner to claim the eligible pensionary benefits after counting the service in the K.S.E.B, she

had been directed to remit a sum of Rs.56,844/- towards pro-rata pension contribution and gratuity.

5. It is submitted by the counsel on behalf of the petitioner that rather than directing the petitioner to remit the amount, the University can adjust the said amount from the benefits due to the petitioner for sanctioning the eligible pension. The said suggestion appears to be justified. Learned Standing Counsel for the University also submits that the same can be done.

Therefore, respondents 1 and 2 are hereby directed to take appropriate steps to sanction the pensionary benefits due to the petitioner, counting her period of service in the K.S.E.B, as proposed in Ext.P8, and disburse the eligible amount after adopting the course above, as agreed upon, within a period of two months from the date of receipt of a copy of this judgment. This original petition is disposed of as above.

T.R.RAMACHANDRAN NAIR,
Judge

ms

T.R.RAMACHANDRAN NAIR, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

O.P.No. 2943 of 2001 (A)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

J U D G M E N T

5th July, 2007